Master Use Permit Application Requirements for Shoreline Permits

December 2002

This Client Assistance Memo (CAM) summarizes Seattle Master Use Permit application requirements for shoreline permits, including substantial development permits, shoreline variances, special uses and shoreline conditional uses. Applicants should read the entire document carefully before submitting an application.

Shoreline permits are elements of the Master Use Permit system administered by DPD. Shoreline permit regulations are required by the Shoreline Management Act of 1971, as amended, Chapter 90.58 of the Revised Code of Washington (RCW). This State law requires local governments to establish a program consistent with rules adopted by the State Department of Ecology (DOE) for the administration and enforcement of the permit system titled State of Washington Shoreline Master Program Guidelines.

Accordingly, the City has adopted regulations for the shorelines of the City in the Seattle Shoreline Master Program. Those regulations are contained in Chapter 23.60 of the **Seattle Municipal Code.***

Permit Requirements

A Shoreline Substantial Development Permit is required for projects which propose to undertake a "substantial development" within the "Shoreline District" as defined by the Seattle Shoreline Master Program.

Substantial development is generally defined as any development, the total cost or fair market value of which exceeds two thousand five hundred dollars (\$2,500), OR any development which materially interferes with the normal public use of the water or shorelines of the City, as excepted below.

EXCEPTIONS—State law specifically exempts certain types of development from the requirement to obtain a Substantial Development Permit. These exemptions are listed in Appendix B. If your project is exempt, you must obtain a written confirmation from the DPD Shoreline Exemption Officer before any other required City, State or Federal permit can be issued.

The City's shorelines (designated the "Shoreline District") include Seattle's saltwater shorelines, Salmon Bay, Lake Union, the Ship Canal, Lake Washington, Green Lake, and the Duwamish River, PLUS all "associated wetlands" of these waters. By definition, associated wetlands comprise an area extending 200 feet landward, as measured on a horizontal plane from the ordinary high water mark, PLUS all marshes, swamps, bogs, floodways, river deltas and flood plains associated with such areas.

Other Permits Required

The Shoreline Substantial Development Permit **does not** take the place of any other required permit. A project or development may also require, among others, a building or grading permit, a variance or conditional use, a State Department of Ecology Water Quality Certification, a lease from the State Department of Natural Resources or a federal Army Corps of Engineers' permit for work in navigable waters of the U.S. A listing of the more common permits or approvals that may be required is provided for your convenience in Appendix C.

What To Do Before Making an Application for a Substantial Development Permit

Presubmittal Conference

DPD strongly encourages applicants to have a presubmittal conference with a Land Use Planner. These staff members can assist and advise applicants on shoreline regulations at any stage of a project's development; however, consultation early in project planning most often will result in smoother processing of an application. Call (206) 684-8850 to have a

www.seattle.gov/dpd

presubmittal packet sent to you or pick one up at the DPD Applicant Service Center, 700 Fifth Ave., Suite 2000. A fee applicable to a future permit application applies.

Zoning and Use Compliance

The applicant must comply with shoreline regulations. In addition, all other applicable zoning and land use code requirements must be met. If a variance or an approval to establish or change use are needed for a project in the shoreline area, then the variance or use approval must be applied for at the same time as the shoreline permit. Both the variance or use approval and shoreline approval would be part of one Master Use Permit application.

Shoreline Variances and Conditional Uses

State law provides that the City of Seattle may approve variances from specific Shoreline Master Program bulk, dimensional or performance standards, but only where extraordinary or unique circumstances relating to the property are such that the strict implementation of the regulations would impose unnecessary hardships on the applicant OR thwart the policies set forth in State law (RCW 90.58.020).

Shoreline Conditional Uses are types of uses (as identified in the Shoreline Master Program) that must meet specified criteria in addition to the normal requirements for a shoreline development.

Final approval on shoreline variances and conditional uses is made by the State Department of Ecology (DOE). The City's approval constitutes a recommendation to DOE.

Filing a Substantial Development Permit, Shoreline Variance or Conditional Use Application

For assistance with fees and procedural requirements related to your application, please talk with staff at the Public Resource Center (PRC), located on the 20th floor of Seattle Municipal Tower at 700 Fifth Ave., or call (206) 684-8467.

Applications are filed by a scheduled appointment with a land use planner at the Applicant Services Center (ASC), located on the 20th floor of Seattle Municipal Tower, 700 Fifth Ave., (206) 684-8850. You will receive a project number when scheduling your intake appointment.

All applicants for shoreline permits must fill out the section indicated on the Master Use Permit Attachment forms (C.1 and C.2) included in this publication.

Plans Required

DPD requires five identical copies of plans for a shoreline permit. Additional drawings are recommended for certain types of development. Optional drawings or other supporting information need not be submitted in multiple copies. See Appendix A for forms and detailed instructions on preparing application materials.

Additional Information Required

Most developments requiring a Shoreline Substantial Development Permit will also require review for compliance with the State Environmental Policy Act (SEPA).

DPD staff can advise applicants whether an **Environmental (SEPA) Checklist**,* as described in Appendix D, will be required. If the checklist is required, five copies must be submitted at the same time as the shoreline permit application.

A Land Use Planner will review the submitted Checklist and determine whether an environmental impact statement will be required.

If the Checklist does not provide sufficient information to determine the environmental impacts of the proposal, the applicant will be asked to provide additional information as required by SEPA Guidelines. Additional information about SEPA and how to file a Checklist is described in **CAM 208*** ("Master Use Application Requirements for Environmental Review").

DPD may also require applicants to furnish additional information or plans to correct deficiencies in the application or to assist in the evaluation of the application. An application may be cancelled if the applicant has failed, without justification, to supply required information or data within 60 days after it has been requested by the City in writing.

Application Fees

Fees are due at the time you apply. They are charged in accordance with the fee schedule, which is established annually by the City Council in the Permit Fee Ordinance and is available online on our "Fees" page at **www.seattle.gov/dpd/about**. Information on fees and procedural requirements is available by calling our Public Resource Center at (206) 684-8467.

Notice of Applications

The Master Use Permit public notice requirements for shoreline permits include the following:

- Environmental sign—If environmental review is required for the shoreline permit, the applicant needs to post a large sign (4' x 8') on the development site. If a development is subject to review only because it is located over water, then an environmental sign is not required. For more information on the large sign requirement, see
 Director's Rule 14-97* ("Environmental Review Sign and Land Use Sign Standards for Applications").
- Placards DPD will prepare and post four placards on or near the development site after the large sign is posted.
- DPD will include a notice in the Department's Land Use Information Service Bulletin and will publish a notice twice in the official City newspaper, the *Daily Journal of Commerce* (DJC), after the environmental sign is posted. The notice describes the proposal and informs the public of the opportunity to comment. The public has 30 days from the last date of the newspaper publication notice in which to comment to the City on the shoreline application (per RCW 90.58.140). The Land Use Information Service Bulletin is available on our website at www.seattle.gov/dpd/notices.

Public Hearing

DPD may hold a public hearing for the purpose of obtaining information about a proposed development, particularly when:

- The development has broad public significance, or
- Fifty or more persons file a written request for a hearing, or
- The cost of the development exceeds \$500,000, or
- The proposed development needs a shoreline variance or conditional use.

Notice of the public hearing is mailed to residents and owners of property within 300 feet of the proposed development and to community and civic groups at least 20 days prior to the hearing.

Notice Of Decision

Notice of DPD's decision on the shoreline permit application will be given in the following manner:

- Publication in the Daily Journal of Commerce
- Publication in the Department's Land Use Information Service Bulletin
- Mailing to individuals who have commented or requested a copy of the decision and to the applicant
- Mailing to applicable state agencies

The notice will state the permit decision to grant, deny or grant with conditions, and will provide information on appealing the decision.

Evaluation Criteria

A Land Use Planner evaluates proposed shoreline developments to assure that they are consistent with the policies of the Shoreline Management Act of 1971, as amended, and the more specific requirements set forth in the Seattle Shoreline Master Program. Other evaluation factors include the permit requirements of other agencies with shorelines jurisdiction, pollution control regulations and the substantive requirements of the State Environmental Policy Act (SEPA).

Preference is given to: (1) water-dependent uses, and (2) non-water dependent uses which provide regulated public access. Developments on shorelines that are of statewide significance will also be evaluated in accordance with the guidelines developed by the Department of Ecology.

Compatibility with surrounding development is one condition of approving certain developments identified as "special uses" in the Seattle Shoreline Master Program.

For shoreline variance or conditional use approval, specific findings are required as established in the **Land Use Code.***

Modification Of Application

An application may be modified at any time prior to the decision by DPD so long as the modification does not substantially change the uses or increase the bulk proposed, change the essential features of the development, or otherwise increase the impact of the development upon the shoreline. More extensive changes of the proposed development will require a new application and/or new public notice.

Limitations on a Substantial Development Permit

Commencement Of Construction

As a general rule, construction permitted by a Substantial Development Permit may not begin or be authorized until 30 days from the date the State Department of Ecology receives the final City decision, or until all review proceedings (appeals and court actions) are terminated and after other necessary permits have been obtained.

Construction Progress

Construction or substantial progress toward construction of an authorized substantial development, shoreline variance or conditional use must be undertaken within two years after final approval of the permit or the permit terminates except as provided below.

Exception

The City may extend the two-year time period under certain conditions.

Project Completion

Permit authorization may be extended up to five years after approval of the permit. If good cause is shown, the City may authorize a single one year extension beyond the five years.

Rescission Of Permit

The City may rescind any permit, after a hearing with adequate notice to the permittee and the public, upon finding that the permittee has not complied with conditions of the permit.

Appeals to the State Shorelines Hearings Board

The applicant or any other person who does not agree with the granting or denying of a Substantial Development Permit or with the rescission of permit may seek review by the Shorelines Hearings Board within 21 days of the date DPD's decision is received by the Washington State Department of Ecology (per SMC 23.60.070).

Information concerning the appeal process and procedures is provided in **CAM 232*** ("How to Appeal the Granting, Conditioning or Denial of Shoreline Permits").

Revision of Approved Substantial Development Permit

To revise an approved Substantial Development Permit, the applicant must make application for a revision and provide detailed plans describing the proposed changes in the permit.

If the proposed changes (1) are determined to be within the scope and intent of the original permit, and (2) do not substantially change the uses, increase the bulk, change the essential features of the development or otherwise increase the impact of the development upon the shorelines, the revision will be approved and will usually become effective immediately. There is, however, an appeal period and any construction undertaken pursuant to the revision will be at applicant's own risk.

NOTE: The approved revision, along with copies of the revised site plan and text, will be submitted to the State Department of Ecology, the Attorney General, and to persons who received notification of the original permit action.

If the proposed changes are not within the scope and intent of the original permit, the applicant will be advised of the need to file a new application for shoreline development.

Appeals from the approval of a revision may also be made to the Shorelines Hearing Board (see **CAM 232***).

Access to Information

Links to electronic versions of DPD Client

Assistance Memos (CAMs), Director's Rules, and the Seattle Municipal Code are available on the "Publications" and "Codes" pages of our website at www.seattle.gov/dpd. Paper copies of these documents, as well as additional regulations mentioned in this CAM, are available from our Public Resource Center, located on the 20th floor of Seattle Municipal Tower at 700 Fifth Ave. in downtown Seattle, (206) 684-8467.

APPENDIX A

Instructions for Preparing Application Materials

ATTACHMENT C.1

Shoreline Substantial Development Permits, Variances, Special Uses, and Conditional Uses

All applicants must fill in the following sections of the form:

- Name of adjacent water areas or wetlands
- Description of current use of property and existing improvements
- List of permits required from other than City of Seattle agencies
- Name and address of owner (if other than the applicant)
- Sign and date the form (at the bottom) (must be owner or designated agent)

Applicants for shoreline variances need to answer the four questions at the end of the form.

ATTACHMENT C.2

Shoreline Substantial Development Permits, Variances, Special Uses, and Conditional Uses

All applicants must fill out Parts 1 through 5, and sign and date the form at the bottom.

Note: Attachments C.1 and C.2 are included in this document.

Plans Required for Shoreline Permits

Five identical copies of plans must be submitted at the time of application. Applications will not be accepted unless all plan submittal requirements are met. Applicants will need to submit DPD plan cover sheets (see **CAM 106,*** "General Standards for Plans and Drawings").

Mandatory Plan Requirements

Plot plan, containing the following information:

- Property address
- Legal description

- Applicant's name, address and phone number
- Names and widths of adjacent streets, places or alleys
- Access easements to or across the property
- Location, size, shape, and dimensions of all existing and proposed structures
- Property lines and their dimensions as located by survey stakes
- Dimensions from all buildings to the property line
- Roof overhangs and other architectural features, dimensioned
- Height of all structures, including decks, porches and garages, from grade
- Lot area calculations
- North arrow
- Drawing scale
- Location of driveway and width

CAM 103* ("Plot Plan Requirements") provides instruction guidelines to aid an applicant in the preparation of a plot plan.

Shoreline site plan containing the following:

- Creeks, drainage ditches or other physical features of the site.
- Information concerning the shorelines including:
 - —Name of adjacent water body (i.e., Lake Washington, Lake Union, etc.);
 - —Line of ordinary high water (i.e., common and usual water line or mean higher high tide of salt water or mean high water for fresh water).
 - —Shoreline environment designation according to Seattle Shoreline Master Program;
 - —Pierhead Line, Harbor Lines, Construction Limit Line where appropriate.
 - Ownership of property to be developed including state owned aquatic lands.
- If the development involves alteration of the existing contours or the site is sloping, indicate existing and

APPENDIX A Instructions for Preparing Application Materials Page 2

proposed ground elevations and contour lines at five foot intervals in water areas and ten foot intervals landward or ordinary high water mark.

- If the development involves removal of any soils by dredging, identify composition and volume of any extracted materials, and identify the proposed disposal area.
- If the development involves any fill, identify source, composition and volume.
- All projects except single-family residences must show landscaping meeting City standards.
- If the development involves residential structures, you must show the location and distance from the ordinary high water mark of all structures on the subject site and on all adjacent properties within 100 feet. Accurate distances are critical and a survey may be required.
- If the development involves a residential pier and/or floats, you must show the location and length of adjacent piers within 200 yards of the proposed pier.

NOTE: The above information may be included on the plot plan or on a separate sheet.

Vicinity Map

The vicinity map should indicate the site location using natural points of reference (streets, waterways or other prominent landmarks).

Building Elevations

A building elevation is a scaled drawing of the exterior of the building showing what it will look like when constructed. If a building's height is near the maximum height limit, a survey will be required. Provide drawings of all elevations so that the height can be calculated.

The Shoreline Master Program establishes height limits for all structures in the Shoreline District. Height in the Shoreline District is measured **from** the average of the natural or **existing** ground immediately prior to any site preparation, to the highest point of a structure. Building heights must not exceed the more restrictive of the shoreline height limit or the height limit of the underlying zone. All height calculations in the shoreline

district are to be made as set forth in Chapter 23.60 of the **Seattle Land Use Code.***

If the structure is to be built over water, average grade elevation shall be the elevation of ordinary high water.

Cross Sections

A cross section is a scaled drawing depicting a view through a project to show details at the point of section. Cross sections are useful to show typical underwater details and/or details of bulkhead and retaining wall construction.

If the development involves piers, bulkheads or retaining walls, or other shoreline protective structures, cross sections must be provided. Cross sections of piers must also show water depth beneath the pier.

Projects Which Require Alteration of or Addition to Existing Parking Facilities

Include a parking plan (may be shown on plot plan) showing the dimensions and number of spaces, aisles, entrances and exits, and screening and landscaping.

Additional Information

Additional drawings and information may also be required for certain types of development. This is particularly the case for large, complex projects. To determine if additional drawings will be required, see a Land Use Planner in the Applicant Services Center, located on the 20th floor of Seattle Municipal Tower at 700 Fifth Ave. The decision on additional information can probably be made at a presubmittal conference.

Access to Information

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APPENDIX B

Checklist for Exemptions from a Shoreline Substantial Development Permit

SECTION A: IS THE PROPOSED PROJECT A "DEVELOPMENT" PROPOSAL?

The proposed project will involve (check all that describe the project):
The construction of structures (includes free-standing signs)
An exterior alteration of structures (includes free-standing signs)
The demolition of structures
Dredging
Drilling
Dumping
Filling
The removal of sand, gravel, or minerals
The placing of obstructions in water area
Any project of a permanent or temporary nature which interferes with the normal use of the surface waters
If none of the above are checked, the proposed project will usually not be considered a "development" and would be exempt from Shoreline Substantial Development Permit requirements. However, before construction can begin or before any of the required City, State or Federal Permits can be issued, the project will have to receive a written confirmation from DPD that the project is exempt. Call (206) 684-8850 to request an exemption confirmation.
If one or more of the above is checked, the proposed project will be considered as a development proposal. Only proposals that are considered to be "substantial development" require a Shoreline Substantial Development Permit. Proceed to Section B to determine if the "development" proposal is in fact a "substantial development" proposal.
SECTION B: IS THE PROPOSED PROJECT A "SUBSTANTIAL DEVELOPMENT" PROPOSAL?
A proposed project will only be considered a "development" proposal and therefore not need a Shoreline Substantial Development Permit if one or more of the following can be checked. Check all descriptions that apply to a proposed project.
1. Total cost or fair market value (whichever is greater) is less than \$2,500 and the development does not interfere with normal public use of the water or shorelines of the state, OR
2. The project qualifies as one of the following types of development exempted in the State Shoreline Management Act and the Washington Administrative Code:
Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements.
Emergency construction necessary to protect property from damage by the elements.
Construction on dry land of an owner-occupied single-family residence
 Must be by owner, lessee or contract purchaser for his/her own use

APPENDIX B

Checklist for Exemptions from a Shoreline Substantial Development Permit $Page\ 2$

 Construction of the normal protective bulkhead common to single family residences meeting the requirements established in Section 23.60.188 B of the Seattle Shoreline Master Program.
 Construction of a dock, designed for pleasure craft only, for the private, non-commercial use of the owners, lessees, or contract purchasers of a single family residence, the cost of which does not exceed \$2,500 in saltwater, or \$10,000 in freshwater in a single year, and which does not exceed \$12,500 inclusive of the initial investment within five years of the initial investment. The structure must meet all requirements for single family piers in Shoreline Master Program, Section 23.60.204.
 Construction or modification of navigational aids such as channel markers and anchor buoys.
 Other types of development specifically set forth in Section 23.60.936 of the Seattle Shoreline Master Program.

If none of the above is checked, the proposed project will be considered a "substantial development" proposal, and it will be necessary for the proponent to obtain a Shoreline Substantial Development Permit before it can proceed.

APPENDIX C

State And Federal Agencies That Require Permits For Certain Types of Water-Related Activities

I. STATE AGENCIES

A. Department of Ecology (DOE)

The Department of Ecology is responsible for the issuance of National Pollutant Discharge Elimination System Permits (NPDES permit). A NPDES permit is required to discharge pollutants into surface waters of the State and for the discharge or disposal of waste materials into the State's ground waters or into municipal sewer systems.

DOE

Northwest Regional Office 3190 160th Ave. SE Bellevue, Washington 98008-5452 (425)649-7000 www.ecy.wa.gov/

B. WA Department of Fish and Wildlife

Washington Department of Fish and Wildlife 16018 Mill Creek Blvd.
Mill Creek, Washington 98012-1296 (425) 775-1311
www.wa.gov/wdfw/hab/hpapage.htm

C. Department of Natural Resources

If you are interested in leasing State marine lands in a designed harbor area, contact:

Seattle Office, Department of Natural Resources Aquatic Lands Division 950 Farman Ave. N Enumclaw, Washington 98022-9282 (360) 825-1631 www.wa.gov/dnr/htdocs/aqr

II. FEDERAL AGENCIES

A. Army Corps of Engineers

Any work that is proposed in navigable waters of Lake Washington, Lake Union, Duwamish River or the Ship Canal will require a permit from the Corps. A permit is

also required for all activities that involve dredging and filling in navigable waters. For permit information contact:

Corps of Engineers Permit Division PO Box 3755 Seattle, WA 98124 (206) 764-3495 www.nws.usace.army.mil/index.cfm

B. Environmental Protection Agency (EPA)

Projects that involve dumping dredging spoil and other material into Puget Sound must receive EPA approval before dumping can occur. For EPA approval information contact:

Environmental Protection Agency Aquatic Resources Wetlands Sediments Section 1200 6th Ave. Seattle, Washington 98101 (206) 553-4974

http://yosemite.epa.gov/R10/HOMEPAGE.NSF/webpage/Information+Desk

C. U.S. Department of Interior - Fish and Wildlife Service

The Department of Interior must give its approval on all projects that might affect fish and/or wildlife before the project can be begun. If the proposed project might affect fish and/or wildlife, contact the Department of Interior to determine if it has any regulations which apply to the proposed project. Any project that requires an Army Corps of Engineers permit will automatically be referred to the Department of Interior for its review.

Department of Interior Fish and Wildlife Service, Field Supervisor 3704 Griffin Lane SE, Suite 102 Olympia, WA 98501-2192 (360) 753-9440 http://pacific.fws.gov/

APPENDIX D

Information About Environmental (SEPA) Checklist

The State Environmental Policy Act (SEPA) of 1971, Chapter 43.21, Revised Code of Washington, requires all state and local governmental agencies to consider environmental values both for their own actions and when licensing private proposals. The Act also requires that an Environmental Impact Statement (EIS) be prepared for all major actions significantly affecting the quality of the environment. The purpose of the Environmental (SEPA) Checklist is to help the agencies involved determine whether or not a proposal is such a major action.

Copies of the standard Checklist are available from the Public Resource Center, located on the 20th floor of Seattle Municipal Tower at 700 Fifth Ave., or online at **www.seattle.gov/dpd/publications/forms.** Completion of the Checklist is required for all projects subject to SEPA.

ATTACHMENT C.1

Shoreline Substantial Development Permits, Variances, Special Uses and Conditional Uses MASTER USE PERMIT

CITY OF SEATTLE
Department of Planning and Development

To be completed by Local Official:				
Master Use Permit Application Number:	Shoreline Environment:			
Address of Project:				
The proposed action requires approval of:				
Substantial Development PermitShoreline VarianceShoreline Special UseShoreline Conditional Use				
To be completed by Applicant:				
1. Name of adjacent water areas or wetlands.				
2. Describe current use of property and existing improvements.				
3. List of permits required from other than City of Seattle agencies (include name of agency, date of application, number of application and disposition).				
4. Name and Address of Owner (if other than applicant)).			
To be completed by Local Official:				
A Shoreline Variance is sought from the following provision Program (Article 21 A or Ordinance 86300):	ons and requirements of the Seattle Master			
(List specific requirements and amount of deviation)				
	(Signature of authorized official)			

(Continue on reverse side)

ATTACHMENT C.1 Shoreline Substantial Development Permits, Variances, Special Uses and Conditional Uses MASTER USE PERMIT Page 2

To be completed by applicant for Shoreline Varian	ces only (use additional paper if necessary):
1. Describe the hardship which will result from the lite provisions of the Seattle Shoreline Master Program.	eral interpretation and strict application of the above cited
2. Describe the unique conditions of the subject propings) NOT CREATED BY THE OWNER OR APPLICAN	perty (such as size, shape, topography, location or surround- T which are the cause of the hardship situation.
3. What uses(s) can be made of the subject property	if the requested Shoreline Variance is not authorized?
vicinity (and within the same shoreline environment de	to other development which presently exists in the immediate signation)? In what respects is the proposed development any) does it differ? Give specific illustrations if possible.
I hereby certify that the above information provide and belief.	ed by me is true and correct to the best of my knowledge
Signature of Applicant:	Date:

ATTACHMENT C.2

Shoreline Substantial Development Permits, Variances, Special Uses and Conditional Uses MASTER USE PERMIT

CITY OF SEATTLE
Department of Planning and Development

Master Use Permit Application Number: To be completed by applicant: (Use additional paper if necessary)			
2. Indicate the total valuation of the development.			
3. Does the development include state-owned aquatic lands?			
4. Describe nature of existing shoreline (type of shoreline such as marine, stream, lake, lagoon, march, bog, swamp, flood plain, floodway, delta, type of beach, such as accretion, erosion, high bank, low bank, or dike, material such as sand, gravel, mud clay, rock riprap, and extent and type of bulkheading, if any).			
5. In the event that any of the proposed buildings or structures will exceed a height of 35 feet above the existing grade level, indicate the approximate location and number of residential units, existing and potential, that will have an obstructed view.			
I hereby certify that the above information provided by me is true and correct to the best of my			
knowledge and belief. Signature of applicant: Date:			